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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,886	03/23/2005	Dieter Wagels	PSEE 200021	1561
27885	7590	05/24/2007		
FAY SHARPE LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			EXAMINER NGUYEN, KIEN T	
			ART UNIT 3711	PAPER NUMBER
			MAIL DATE 05/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

HH  
Application No.

10/528,886

Applicant(s)

WAGELS, DIETER

Examiner

Kien T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Objections***

Claim 1 is objected to because of the following informalities: line 8, "safty" and "colide" are misspelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holler U.S. Patent 6,134,849 and Jones U.S. Patent 5,842,667.

Holler disclosed a structure system including a non-pressurized hall with boundaries and partially open at (14); the hall has a shape that is convex on all sides. The structure system of Holler can be used as an aircraft hangar (col. 1, line 16). The hall comprises at least two zones (left side and right side). It is noted that Holler does not specifically disclose the flying unit as set forth in these claims. However, Jones disclosed a flying unit (10) that is able to start vertically and can accommodate at least one person for flying freely, the flying unit of Jones is designed as a flying disk with a platform (24) (see Fig. 1), in the center (34) of which space for at least one person is provided, a lifting unit assembly (16). The lifting unit assembly comprises a plurality of separate lifting units (16) that distributed around the center and are able to trigger a lifting effect that is distributed uniformly around the center, the lifting units are

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downward-operating lifting blowers (17). Therefore, it would have been obvious to one of ordinary skill in the art to utilize the non-pressurized hall of Holler to store the flying unit of Jones.

As for claims 9-14, the specification of the present application indicated that the specifics of the flying unit and its lifting units are shown in as examples and they do not appear to be a point of novelty of the claimed invention. Accordingly, it would have been a matter of design to one skilled in the art to modify the flying units and its lifting units with any desired form to accommodate any specific environment or theme.

Regarding claim 15, the use of position-detection device in any hangar is very well known in the art in order to monitor the position of the flying units around the hall. Accordingly, it would have been a matter of design choice to incorporate at least one position-detection device in the flying unit for the reason as set forth above.

Regarding claims 16-19, 24, it does not appear that a remote control device is positively recited in these claims (for example, the limitations "the flying unit can be controlled" and "the flying unit can be guided"). It is very well known in the art to control an aircraft or any particular flying unit by an electronic device remotely from the aircraft.

### ***Response to Arguments***

In response to applicant's argument that the combination of Holler and Jones failed to teach "said hall is designed to allow to said at least one flying unit to fly freely and safely within the boundaries of said hall and wherein the boundaries of said hall and the operation of said at least one flying unit designed to prevent without safety risk said at least one flying unit from leaving said hall and to collide with said boundaries of said

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hall", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The above identified limitation failed to specifically recite any **structural components** of the arrangement to perform such functions. It is submitted that Holler and Jones are more than capable of performing such functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (571) 272-4428. The examiner can normally be reached on 7:30 AM-5:00 PM.

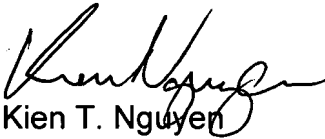
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Kien T. Nguyen', written over the printed name.

Kien T. Nguyen  
Primary Examiner  
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Ktn